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Morrison & Foerster Oral History Series

J. Hart Clinton

LABOR LAW AT MORRISON & FOERSTER, 1929-1971

Interviews Conducted by
Carole Hicke
in 1988



J. Hart Clinton, Morrison & Foerster
Circa 1975

Since 1954 the Regional Oral History Office has been interviewing leading participants in or well-placed witnesses to major events in the development of Northern California, the West, and the Nation. Oral history is a modern research technique involving an interviewee and an informed interviewer in spontaneous conversation. The taped record is transcribed, lightly edited for continuity and clarity, and reviewed by the interviewee. The resulting manuscript is typed in final form, indexed, bound with photographs and illustrative materials, and placed in The Bancroft Library at the University of California, Berkeley, and other research collections for scholarly use. Because it is primary material, oral history is not intended to present the final, verified, or complete narrative of events. It is a spoken account, offered by the interviewee in response to questioning, and as such it is reflective, partisan, deeply involved, and irreplaceable.

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Interviewed 1988 by Carole Hicke for Morrison & Foerster Oral History Series. The Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

June 17, 1992

Newspaper Publisher J. Hart Clinton

J. Hart Clinton, the retired editor and publisher of the San Mateo Times newspaper, died at Mills Memorial Hospital yesterday after a brief illness. He was 87.

Over his 50-year career, Mr. Clinton fiercely advocated the preservation of locally owned daily newspapers. He rejected many offers from far-flung major publication chains looking to purchase the San Mateo Times. Today, the Times is the only daily published in San Mateo County.

Mr. Clinton was born in Quincy, Mass., on April 3, 1905. Upon completing his legal studies at Harvard in 1929, he moved to San Francisco, where he became a partner in the firm Morrison, Foerster, Holloway, Clinton and Clark. He specialized in union contract negotiations.

Mr. Clinton's parallel career in newspaper publishing began in 1937 when he assumed the helm of Amphlett Printing Co., the Times' parent organization. He became president of the printing company and publisher of the newspaper in 1943. He was named editor of the newspaper in 1959.

In addition to the Times, as head of Amphlett, Mr. Clinton oversaw other company-owned publications, including the San Bruno Herald, the Recorder-Progress in Millbrae, the Daly City Record, the Coastside Chronicle, the Enterprise Journal in South San Francisco, the Peninsula Mid-Week and the Brisbane Bee, papers brought in through the 1980 acquisition of Industrial City Publishing Company.

Under Mr. Clinton's management, the Times grew from six pages to its daily average of 44 pages.

When his son, John H. Clinton, assumed the role of publisher of the Times in 1987, Mr. Clinton retained his positions as editor and chairman of the board, until his retirement this year.

Mr. Clinton held top offices in numerous civic, religious and professional organizations, including the California Press Association, the San Mateo Rotary Club and the Commonwealth Club of California.

Mr. Clinton's first wife, Helen Alicia Amphlett Clinton, preceded him in death. He is survived by his wife, Babes, of San Mateo; his son, John, of San Carlos; two daughters, Mary Jane Zirkel of San Mateo and Mary Ann Gardner of Belmont; two stepsons, Erik and Paul van Dillen, and many grandchildren.

Visitation will be held tomorrow from noon to 9 p.m. at Sneider and Sullivan Funeral Hall, 977 South El Camino Real in San Mateo. A funeral Mass will be said Friday at 9 a.m. at St. Catherine of Siena Catholic Church in Burlingame. Interment will be at Holy Cross Cemetery.

PREFACE

The history of Morrison & Foerster reaches back over one hundred years to when its founder, Alexander Francis Hart Morrison, began practicing law in San Francisco in 1881. In 1890 he joined with Constantine E.A. Foerster to form the partnership from which today's firm derives its name.

As the partnership slowly expanded its practice, mainly in the areas of corporate counseling and business litigation, its clients were helping to develop the financial and manufacturing resources of the western United States. In the first part of the twentieth century, attorneys of regional and national stature became name partners in the firm: Roland C. Foerster, Edward Hohfeld, J. Franklin Shuman, and Herbert Clark.

A new generation came along after World War II, and the 1960s saw a spurt of growth that has carried the partnership to its present size of over six hundred lawyers, providing full-service teams to individuals and corporations around the world. In the 1970s, the firm decided to revert to its old name, Morrison & Foerster.

In addition to delivering legal service to the firm's clients and the community, Morrison & Foerster partners have participated in local, regional, and national professional activities, in support for charitable organizations, and in pro bono work for the indigent.

In 1988 the firm decided to fund a series of oral histories to be conducted by the Regional Oral History office of The Bancroft Library at the University of California, Berkeley. By recording the recollections of those who helped build the firm over the past fifty years, the written records will be amplified and strengthened. The firm's high standards of ethical responsibility and excellence in the practice of law have come down from its founders and builders. The oral histories will help today's partners to pass these standards on to future members.

Tom E. Wilson
Morrison & Foerster

August 1991
Palo Alto, California

INTERVIEW HISTORY--by Carole Hicke

J. Hart Clinton was interviewed as part of the Morrison & Foerster Oral History Series for his recollections of the early history of the firm and his own legal work.

Joining the firm in 1929, Clinton became one of its first labor lawyers, and he saw the beginnings of what was to become the labor department. He retired in 1971 to take over as full time head of the San Mateo Times, where he had already been active for years.

The interviews were conducted in Mr. Clinton's office at the newspaper on August 3 and 25, September 1 and 14, and November 9, 1988. Mr. Clinton wrote a memoir about the firm some years ago, and these interviews supplement that document. He was not in good health at the time of the oral history interviews, so they usually lasted no more than 45 minutes to an hour.

The transcript was reviewed and corrected by interviewer and narrator. Transcribing and final typing was carried out at Morrison & Foerster.

Scholars are referred to the first oral history in the series, John Austin, Growth of Morrison & Foerster from 1940s to 1980s: A Perspective. This series is part of the ongoing documenting of California history by the Regional Oral History Office, which is under the direction of Willa Baum, Division Head, and under the administrative direction of The Bancroft Library, University of California, Berkeley.

Carole Hicke
Project Director

May 1992
Regional Oral History Office
The Bancroft Library
University of California
Berkeley, California

INTERVIEW OF J. HART CLINTON

TABLE OF CONTENTS

	<u>Page</u>
I. BACKGROUND	1
Family History	1
Decision to Become a Lawyer	3
Becoming a Labor Lawyer	6
II. MORRISON & FOERSTER: EARLY DAYS	8
The Morrisons, Dr. Staples, Edward Hohfeld	8
The Dissolution: 1925	9
More on the Morrisons	11
Early Clients and Partners and Relationships with Other Law Firms	14
III. CLINTON'S EARLY PRACTICE	22
The Firm in the 1930s	22
The Hotel Leamington Problem	23
Beginnings of the Labor Practice	25
The Distributors Association and Union Leaders	26
Other Clients	32
Employees and Office Procedures	36
IV. THE 1940s	41
Becoming a Partner	41
Responsibilities	42
War Years	44
Politics	46
More on Early Labor Work	52
V. THE 1950s AND 1960s	62
George Clinton	62
Edward Hohfeld's Retirement	63
Rapid Expansion of the Firm	64

I. BACKGROUND

[Date of Interview: August 3, 1988] ##¹

Family History

Hicke: Tell me about your parents.

Clinton: My parents were very good people.

Hicke: Of course they were. Where did they come from originally?

Clinton: My mother's parents were from Ireland. She was the youngest of ten Irish immigrants, who came from the United States during the potato famine. Her name was Katherine Veronica Hart. Her father's name was Michael Hart. Her mother's name was Moriah Moran. She had some brothers and sisters, but she was the youngest of ten. She thought so much of the name Hart that she insisted that I be dubbed J. Hart Clinton. Not John Clinton, because John was my father's name.

Hicke: J. doesn't stand for anything?

Clinton: J. stands for John.

Hicke: Oh, it does stand for John, but they didn't call you that because that was your father's name?

Clinton: No way.

Hicke: And did you have brothers and sisters?

Clinton: I had one brother who was murdered in the 1970s by his son who was on drugs, and the son also, after he murdered my brother by sneaking up behind him with a rifle and putting it up against his head while he was watching TV, went upstairs and killed his mother, and then he tried to commit suicide by slashing his wrists, and he finally took a gun and shot himself.

¹ ## This symbol indicates the beginning or end of a tape, or an interruption in the tape.

Hicke: That's a terrible tragedy.

Getting back to Massachusetts, when you were growing up, can you tell me which members of your family were the most influential on you?

Clinton: Well, I was influenced by my father's mother, my grandmother Clinton, whose maiden name was Ellen Mullen.

Hicke: What kind of influence did she exert on you?

Clinton: She was a very good woman. She was a good cook, she was a very kindly soul and was very good to me. I used to visit her home every Thursday night. I'd meet my father there and we would have dinner at her home and then I would walk home with my father.

You didn't ask me about my father: He was the oldest of three children. He had two sisters, Margaret Clinton Griffin and Mary Clinton Messenger. He also had a father, Michael Clinton, who was born in Nova Scotia. My father was born in Prince Edward Island, which is north of Canada, and my recollection is that he was born sometime in the late 1800's.

Hicke: What kind of standards did your family have? Were they interested in education?

Clinton: My father was very mechanical. He was what I call an electrical engineer. He really wasn't an electrical engineer, but he had a talent in fixing mechanical things. He was employed while I was growing up as foreman of the Fall River Ship Building Plant in Quincy, Massachusetts, handling the electrical equipment and doing the purchasing and seeing that it was installed and running properly. He attended Thayer Academy in South Braintree, Massachusetts, which I also attended, and he never went to college; he went to correspondence school.

Hicke: Is Thayer a private school?

Clinton: No, it was an endowed academy, endowed by General Sylvanus Thayer, the first superintendent of West Point.

Hicke: Did your parents make you study?

Clinton: I had an aptitude in study. I got a double promotion when I was in grammar school. I went to kindergarten when I was five years old and I was five on April 3, 1910. Two or three years after I entered kindergarten, I got a double promotion. So I not only entered school at a very young age, but I got a double promotion, which made me probably the youngest person in the class. In those days, as I recall, I also had a Dutch haircut, which was in a way, a forecast of my later life when I married a Hollander. She's a Dutch lady, over in Holland now, but she'll be back tonight.

I've been married twice. The first time I married Helen Amphlett, who had a brother, Horace W. Amphlett, who was the founder of this newspaper. She also had two sisters, Kathleen M. Amphlett and Janet E. Amphlett, both of whom died within the past few months. Kathleen Amphlett married Walter A. Jack, who was superintendent of schools in San Mateo.

Hicke: She was a school teacher herself?

Clinton: She was a school teacher herself. My wife was very talented as an artist -- I'm talking about my first wife now -- and I don't have anything to show you, but she was extremely talented as an artist. Tell me what you're interested in.

Decision to Become a Lawyer

Hicke: Let's go back just a little bit to your early education. When did you first decide you wanted to be a lawyer?

Clinton: I first decided that I wanted to be a lawyer probably after my cousin Alexander Francis Hart Morrison passed away in 1921. Prior to that time, I had an idea at one time that I was going to be a priest. I was an altar boy for Monsignor Bradley, who was a clergyman in the Catholic church, and I served his mass during summer vacations and got to know him very well and talked to him. He encouraged me to become a priest, but my parents discouraged me from becoming a priest. They didn't think I was qualified. They didn't think I was that religious, and as I look back now, they were

probably right.

But in any event, in 1921 my mother's sister, Caroline Hart Long, called at the house and said we had a very rich cousin who just passed away in San Francisco. He was a lawyer. His name was Alexander Morrison. Archie Morrison, I think, was born on the Isle of Man. His sister Mary Morrison Staples was born in Ireland and then there was another group of Harts that stayed in the shoe business in Weymouth, Massachusetts. I had an uncle, J.W. Hart, who ran a shoe factory in Weymouth, Massachusetts, and I had other Harts too numerous to mention. When Alexander Morrison died, that was the first time I gave any thought to being a lawyer.

Hicke: Just hearing about him encouraged you?

Clinton: That's right; he made a lot of money, and that was encouraging.

Hicke: Okay, so from then on you sort of headed towards law school?

Clinton: Well, I headed that way. I wouldn't say that I was traveling over ground that I was prepared to travel over, but I decided some time while I was attending Boston College, which was a Jesuit institution, that I wanted to be a lawyer, and from that time, I decided I was going to go to Harvard Law School, if I could get in.

Hicke: Was that the preeminent law school?

Clinton: It is the preeminent law school.

Hicke: Well, I should say, was it then also the preeminent law school?

Clinton: It was and now is.

Hicke: You had rather interesting experiences while you were there?

Clinton: Yes, I sat next to Alger Hiss.

Hicke: Do you recall any impressions of him?

Clinton: Yes, he was a very brilliant and pleasant fellow and I liked him very much. I also had as a

classmate Lee Pressman, who is an attorney for the CIO [Congress of Industrial Organizations], and Fred Hauser, who was from California and who was later the lieutenant governor of the state of California. His father was a judge and he was a very pleasant fellow.

Hicke: There weren't any entrance requirements at that time other than a high school degree, is that right?

Clinton: I can't answer that precisely. I don't think that there were any rigid requirements. I had a diploma from Thayer Academy and was prepared to go to Harvard Law School.

Hicke: What kind of courses and studying did you undertake when you were there?

Clinton: When I was at Harvard Law School? I took up Civil Procedure, Contracts, Property, and other courses of a similar nature.

Hicke: Was it pretty much standard? Was it set out for you, or did you have any choices?

Clinton: My courses were pretty well standardized and I had no difficulty. As I indicated in the history that I dictated, I don't consider that I was a brilliant student, but I was a good student. I never flunked a course, and Harvard had very rigid standards in those days. About a third of the class flunked out each year.

Hicke: That was a good story you told about that. What courses did you like the most, do you recall?

Clinton: Well, I enjoyed contracts because I had a good professor: Professor Samuel Williston. I enjoyed torts, which deals with negligence. The professor there was Professor Roscoe Pound. He was the dean of the school. I also had James McLaughlin, who was the property teacher. I had Professor McGuire, who was the teacher in evidence. I had Joseph Beale, who was the teacher in conflict of laws.

Hicke: Conflict of laws?

Clinton: Conflict of laws. Sometimes the laws conflict with each other.

Hicke: You mean like state and federal, or even two federal laws?

Clinton: Well, that might be one case, but that's not the usual case. It was a matter of real conflicts in the publication of laws.

Hicke: And then you would have to try to figure out which takes precedence, or how to resolve the conflict?

Clinton: You were to try to resolve the conflict, and you had to find out why the conflict existed and why it hadn't been corrected or why the laws remained as they did, why we continue to live under these laws, and then to work out a life and future existence consistent with the various laws that you had in effect.

Hicke: That sounds pretty interesting.

Clinton: It is. And the teacher was a very good teacher, Joseph Beale.

Hicke: That helps. Well, was there anything in your education that really prepared you to be a labor lawyer and negotiator?

Becoming a Labor Lawyer

Clinton: I was encouraged to become a labor lawyer and negotiator probably around 1934.

Hicke: That's getting ahead of this time, but go ahead.

Clinton: We, one of my law partners, he was not then a law partner, but he became a law partner . . .

Hicke: Who was this?

Clinton: His name was James Blaisdell. He was married to the daughter of one of the senior partners, Herbert W. Clark, and he was very successful in getting along with Harry Bridges. So successful that he was encouraged by the employers in Hawaii to go over to Hawaii and take over their employers' council and run that council. We also had as a labor lawyer, a man named Dwight Steele, whom I succeeded as a labor lawyer.

We represented the Distributors Association in California, which is an employers' organization. Blaisdell represented the Distributors Association, and when he went over to Hawaii, Dwight Steele took his place with the Distributors Association.

Subsequently Steele decided to go over to Hawaii, and he asked me to take his place as attorney for the Distributors Association. I didn't want to do it, because I felt the labor law was not encouraging to me at that time. It's a dirty business. And I was dealing with members of the Communist Party and also with Jimmy Hoffa and also with the Civil Workers Union.

II. MORRISON & FOERSTER: EARLY DAYS

The Morrisons, Dr. Staples, Edward Hohfeld

- Hicke: I want to get into all of that in more detail, but let's put that off for just a little bit, because before we come to that, I want to ask you what your memories are of stories that were told to you about the firm in the 1920s, starting before the dissolution. Well, let's start with when Alexander Morrison died. Mrs. Morrison still continued to have some influence in the firm, is that correct?
- Clinton: She had quite a bit of influence on Mr. Morrison, her husband, and she was a very brilliant woman herself. She has a sister, Sarah Child, with whom I traveled to go East when she went East in 1927. Dr. Staples, as she became, was very, very fond of her brother. She was very kind and she was a brilliant woman. She was a medical physician. She was a very charitable woman and did a great deal of obstetrics work, the delivery of babies, without charging a fee. She was married to George Staples, a native of the state of Maine and a cousin of Mrs. Child, who was the sister of Mrs. Morrison. Staples was a rancher in Oregon, just outside of Salem, and he grew wheat and also raised sheep on his ranch and was a very successful operator of the ranch.
- Hicke: Getting on with the firm in the 1920s, after Alexander Morrison died, who was the senior partner?
- Clinton: Edward Hohfeld. There were two Hohfelds: there was Wesley Hohfeld, who was a professor of equity at Yale University and a noted authority on the subject of equity. When he left the firm, he recommended that the firm employ his brother Edward, who had become a senior partner

at the time that I came with the firm, and he was also the leader and principal financing partner, who supplied the money to run the firm when the old firm dissolved.

- Hicke: But even before it dissolved, he was the senior partner, is that what you're saying?
- Clinton: I wouldn't say so; I don't know that he was. He was a very influential partner.
- Hicke: Who would you say was the senior partner up until 1925?
- Clinton: It could have been Hohfeld; I don't know that it was. Herman Phleger was a partner, William Brobeck was a partner, and Peter Dunne, who was a former attorney for the Southern Pacific Railroad, was a partner. They were all men of influence.

The Dissolution: 1925

- Hicke: One of these letters that I sent you that was written by Mr. Hohfeld after the firm was dissolved said that there were underlying reasons for the problems that came up.²
- Clinton: There were underlying reasons: it was because he didn't trust Mr. Phleger, and so the partners were not getting along with each other. Mrs. Morrison could see it coming, and you could see that in the letters, that she feared that the firm might dissolve some day and hoped that they could save it.
- Hicke: But it didn't turn out that way and that story is all in your history too.
- Clinton: It came about quite suddenly, when one day in 1921, there was on each partner's desk a letter signed by Phleger, Peter Dunne, and William Brobeck stating that they represented two thirds of the rest of the firm and had decided it was in the best interests of everyone that the firm

² See following pages.

dissolve. And so, as a result of that decision, the firm was dissolved. Then Hohfeld decided to organize a new firm and he went to Mrs. Morrison and told her about what he considered a dirty trick having been done by Herman Phleger. Phleger, by the way, was a brilliant lawyer, but nevertheless, he had a personality which was not compatible with Hohfeld's.

Hicke: Both of them wanted power?

Clinton: Hohfeld wanted power, Phleger wanted power, and both exercised their powers, very often in conflict with each other.

Hicke: So it was sort of really a personality clash.

Clinton: That's right. And so the circumstances under which Phleger and Harrison, and Brobeck and Dunne made the decision to withdraw from the firm, I don't know. You'll notice from reading the Notice of Dissolution, they felt that it was in the best interests of the firm that these men, that's Herman Phleger, William Brobeck, Peter Dunne -- the firm's name at that time was Morrison, Dunne and Brobeck -- that they should withdraw from the firm and exclude from any new partnership Hohfeld and Clark. They didn't like Clark. They wanted Foerster and they wanted Shuman, but Foerster and Shuman couldn't make up their minds for a while.

Hicke: Would't it make quite a difference? Because those two apparently had sufficient skills to have . . .

Clinton: They had sufficient skills and had the admiration of Mrs. Morrison, Morrison's widow, and she was very influential in backing the firm. You'll notice from reading my account that she went to Mr. Crocker -- we had all the Crocker business -- and she said: "If my husband were still alive, he would want your business to be with his firm. And there's no way that I can have Mr. Phleger in the firm." And she went to Mr. John D. Spreckels and made the same representation to him: that if her husband were still alive, he would want the Spreckels business to be with the Hohfeld firm.

Hicke: Do you know why Mr. Foerster and Mr. Shuman decided to go with Mr. Hohfeld?

Clinton: Well, Shuman was German, Hohfeld was German, Clark was not German, but neither was Peter Dunne, but I think that the national relationship had something to do with their affections for each other.

Hicke: That makes sense. How about Mr. Foerster?

Clinton: Foerster was German.

Hicke: Oh, okay. That's interesting.

Clinton: In Germany you pronounce his name Forster [using the umlaut].

Hicke: Yes.

More on the Morrisons ##

Hicke: Perhaps you can tell me a little bit about what you know about the beginnings of those two . . .

Clinton: I don't know too much about the history of the firm prior to 1921, other than what Dr. Staples, with whom I lived for several years told me, and what Mrs. Morrison told me. Now I was related to Mrs. Morrison because I was related to Mr. Morrison. His mother, Ellen Hart, and my grandfather, Michael Hart, were sister and brother, and I was the son of Katherine Hart, one of the children of Michael Hart, so that's where the relationship came in. What was the question you asked me?

Hicke: I was wondering what stories she told you about Alexander Morrison and the beginnings of his practice.

Clinton: Everyone told me what a great man Alexander -- his real name was Alexander Francis Hart Morrison -- what a great lawyer he was, and what an asset he was to the City. He died while he was on a trip to Singapore for the benefit of the Chamber of Commerce of San Francisco, and that shows the standing he had in the City.

Hicke: I think Crocker came to him, is that right?

Clinton: He got acquainted with Crocker when he went to law school, and I believe he either attended law school with Crocker or taught him. But in any event, after he left law school and commenced his practice, one of his first clients was a Crocker. And they were always in on the Crocker business. I can't tell you what the origin of the Spreckels business is.

Hicke: You never heard any stories about that?

Clinton: I never heard any stories about that, no.

Hicke: I also ran across in the Bancroft Library some letters that Morrison wrote to George Pardee, who was the governor at that time; this was around the early 1900s.

Clinton: Well, Morrison was a Democrat, not the kind of Democrat that you and I know, but he was a Democrat, very well thought of in politics.

Hicke: He must have had important relationships in the party, is that correct?

Clinton: No question about it.

Hicke: Was he ever involved in politics?

Clinton: Not that I know of. He could have been, but I don't know about it.

Hicke: He was involved in some community projects?

Clinton: Yes, he was active. Mrs. Morrison was very active with the symphony orchestra; she was very interested in music. Mr. Morrison was interested in books and the library, and between them, they both had an interest in what was going on in San Francisco community affairs, such as what I have just described.

Hicke: You visited Mrs. Morrison, I believe.

Clinton: Oh yes, many times. She lived on 2022 California Street; I lived on 2055 California Street, just across the street.

Hicke: Are the houses that you and she lived in still there?

Clinton: They should be. They went through the 1906 fire. When I lived in Massachusetts, it was called the earthquake, but when I came out here I was told never call it the earthquake. We had a fire.

Hicke: Were the firm's papers and files lost in the fire? Did you ever hear any stories about it?

Clinton: I think that the Crocker building went through the fire . . . [pause]

Hicke: Untouched, unburned?

Clinton: . . . not seriously harmed, and it was still standing when I left there around 1976 or so.

Hicke: They built them well in those days.

Clinton: They sure did.

Hicke: So at the firm, nothing was lost probably.

Clinton: Well, things could have been lost, but I never heard about it.

Hicke: What about Mr. Hohfeld, can you tell me more about him? I mean just from your own experiences.

Clinton: He was a very stern, rigid German and insisted on very strict discipline of those who were working for him or working in the firm, and everybody was afraid of him. He was so rigid.

Hicke: Would he do things like tear up your memos that you wrote if they weren't good?

Clinton: He might tear them up in front of you and put them in the wastebasket to show his displeasure.

Hicke: What did he look like?

Clinton: Well, he had a very Germanic look.

Hicke: Light, fair-haired?

Clinton: Well, he was gray-haired when I knew him; so it was hard to tell. Shuman was also German. Foerster was German. You indicated in your notes to get some information about where Foerster came from. His father was a partner.

Hicke: Constantine?

Clinton: Constantine. And Roland came into the firm as a result of that relationship.

Hicke: Did you ever hear anything about Constantine Foerster?

Clinton: No. Roland died while I was there. Constantine died, of course, long before. Roland was a very jovial, pleasant man, got along with people. Quite a club man, an active member of the Bohemian Club, Pacific Union Club. Hohfeld, on the other hand, was not a club man. Mr. Clark was very active in the Bohemian Club.

Hicke: But Mr. Hohfeld was apparently very interested in community projects also.

Clinton: Yes, he was, but I think principally because of Mrs. Morrison. He wanted to leave a good name after him, a good name for Mr. Morrison, and so he did everything he could for Mrs. Morrison. He had a very good relationship with her, and she trusted Mr. Hohfeld; he acted as her personal attorney.

Early Clients and Partners and Relationships
with Other Law Firms

Hicke: Do you know anything about how the work was organized in the days before you came? Mr. Hohfeld was obviously the senior partner; would he assign work or would it come in to the lawyers themselves?

Clinton: Well, it might come in to the lawyers themselves, it depends upon the standing that the lawyer had with the client. At a very early time in my relationship with the firm, I was doing quite a bit of work for the Spreckels Sugar Company, negotiating labor contracts. I was doing quite a bit of work for Foster and Kleiser Company, the billboard company. We had a consent decree in an antitrust case, as a result of which several competitors of Foster and Kleiser Company sued them for tremendous sums of damages.

One of the first cases of importance that I worked on there was a case involving the Special Site Sign Company of Oakland against Foster and Kleiser Company for damages for alleged violations of the antitrust laws. We went to trial on that case down in Los Angeles, and when it was appealed, we went up to the Circuit Court of Appeals. We got a decision out of the Circuit Court of Appeals that outdoor advertising is not interstate commerce, and as a consequence, they dismissed the appeal.

After that, we had some difficulty with the C.E. Stevens Company, which was an outdoor advertising company out of Seattle, and I don't recall whether we settled that case. If we did, we settled it for a nominal amount. We had other competitors who sued us. We were fair game for all competitors.

Hicke: Okay, let me go back just a little bit. After the new firm was formed, Leon de Fremery joined the firm as a tax expert.

Clinton: Yes. He was with Haskins & Sells as a tax expert.

Hicke: Now did the firm need a tax expert immediately? Or did they think they were going to need one?

Clinton: I think they probably needed one. I know he was very busy all of the time.

Hicke: So the clients that they already had would have needed a tax expert.

Clinton: That's right.

Hicke: I see, and do you know anything about him?

Clinton: Yes, he was a Dutchman. He liked sailing. He had a boat called the "Water Witch." He used to take me out sailing on weekends.

Hicke: Out on the Bay?

Clinton: Outside of the Bay.

Hicke: He must have had a big one, a yacht probably. How long would you be out?

Clinton: We'd go out all weekend.

Hicke: Oh, how nice.

Clinton: He was a very nice gentleman. Very easy to get along with. I got along with him fine.

Hicke: He stayed with the firm for a long time?

Clinton: I think he had been there about fifteen years before I came in. And I believe he was there when I left in 1971. You see, lawyers in my time lived to be old. I'm eighty-three years old.

Hicke: That's wonderful. You just had a birthday, didn't you?

Clinton: April 3, 1905. You can figure it out for yourself.

Hicke: [Laughter] Did lawyers change firms frequently in those days?

Clinton: Not as much as they do now.

Hicke: In San Francisco would you say there was quite a bit of moving about between law firms in the 1920s and the 1930s?

Clinton: The biggest firm when I went there was Pillsbury, Madison & Sutro, and the next biggest firm was Brobeck, Phleger & Harrison. That is Herman Phleger, who used to be with us. And then there were other large firms; I don't remember the names now. San Francisco had good lawyers. Very talented. They could beat the hell out of you.

Hicke: [Laughter] Would young associates go from one firm to another?

Clinton: Yes. Not frequently, but on occasion.

Hicke: I also found a letter; I sent you a copy of it. It was from another law firm, saying thank you for the opinion that you gave us and so on and so forth. Was that sort of normal, that you worked with other law firms from time to time?

Clinton: Well, I wouldn't say it was normal but that it happened.

Hicke: If you had business to do in other cities, would

you go to another law firm?

Clinton: If we had a case in Fresno, for example, we would probably associate local counsel who the judge in the case had been used to seeing.

Hicke: Yes. And then would you work with them, or just turn it over to them?

Clinton: Yes, we would work with them. I'd do all the work, or they might do all the work; it all depended.

Hicke: You'd just work it out between you, how you'd want to do it.

Clinton: Yes. You'd divide the work.

Hicke: Yes. I wanted to ask you about Forrest Cobb. He also came shortly after the new firm was formed, and he headed the San Diego office.

Clinton: Yes. He was head of the San Diego office. You see, the Spreckels family owned practically all of San Diego at one time, and we had an office down there which handled the Spreckels business; we represented the Hotel San Diego, Hotel del Coronado, the North Island, which was owned by the Spreckels, and other interests which they had in that area.

Hicke: Was there already an office down there or was Mr. Cobb hired to open it?

Clinton: No, I think there was already an office there.

Hicke: Do you have any sense of when that was opened?

Clinton: No.

Hicke: It's very interesting, because it's a very early example of having another office outside of the home headquarters.

Clinton: Well, he was a very good lawyer and he ran the office very well and was well liked by his clients, but I wouldn't say it was a big office; it was a relatively small office.

Hicke: He did have another attorney or so?

Clinton: He could have; I don't know.

Hicke: Do you happen to know whether it was operated as a profit center, or were all the profits joined in with the San Francisco office?

Clinton: Well, as a profit center.

Hicke: Yes.

Clinton: They were all profit centers . . .

Hicke: I know they were all profitable. [Laughter] I was just wondering if his profits were kept separate as a San Diego office.

Clinton: That's a matter of bookkeeping and how the accounting was kept. I don't remember.

Hicke: Okay. Again, that's interesting because it's such an early example of having another office. And then there was another partner there just before you joined, and that was Howard Judy. Do you recall him?

Clinton: Howard Judy was a very brilliant man. Not the easiest man in the world to get along with, but very brilliant and a good lawyer. That's about all I can tell you about him.

Hicke: It seems to me that there were two different types of lawyers: some were very stern and formidable and others were very affable and congenial.

Clinton: Well, Hohfeld was firm and formidable. Clark was too, although he was more congenial. Shuman was more stern. Roland Foerster was easy to get along with, and de Fremery was easy to get along with. Judy was more stern. I don't remember who the others were.

Hicke: Forrest Cobb.

Clinton: Well, Forrest Cobb was easy to get along with.

Hicke: Did we talk about Shuman?

Clinton: I mentioned Shuman; he handled the Crocker Bank business principally. He was a banker's lawyer and was a specialist in banking. I think we represented the California Banking Association.

Hicke: And he handled that too?

Clinton: Yes.

Hicke: Do you think that he acquired that expertise after he became a lawyer, or do you think that he had some training?

Clinton: I don't know whether he had any special training or not, but so long as I knew him, he was always a banker's lawyer and always hanging around the Crocker Bank. You'd see him seated up at the desk of Gloucester Willis, who was the manager of the Bank, and William H. Crocker. That seemed to be the habit of the bankers' lawyers in those days: stick around the bank.

Hicke: So that they were there to continually advise?

Clinton: Sure, pick up clients too.

Hicke: [Laughter] Oh, okay.

Clinton: A client is the best asset that a firm can have, you know.

Hicke: That makes good sense. [Laughter] Other than that, how did clients come to you, just mostly by word of mouth?

Clinton: Clients came to me because I was well known in the labor law field.

Hicke: How did they come to the firm?

Clinton: Well, we had different periods of time. There was a group of young fellows who came into the firm and they were hired by the firm for the talents that they had. We had Robert Raven, who is now the president of the American Bar Association, and we had Girvan Peck, who was a younger lawyer, and John Austin, who was a good lawyer.

Hicke: Would they have brought clients in, is that what you're saying?

Clinton: No, I don't think any of them brought clients in. They could have brought clients in, but that was not what they were hired for; they were hired to do the work.

Hicke: In the dissolution agreement that I sent you, there is also a list of accounts which has quite a few of the clients.³ For instance, there was El Cajon Vineyards Company.

Clinton: Let me see the list.

Hicke: Okay, I think you've got it right here, actually. Yes, it starts on this page. Some of them appear to be . . .

Clinton: Well, the Crocker Bank; of course you'd expect to see it.

Hicke: Right, yes.

Clinton: The Crocker Investment Company; Provident Securities Company was a Crocker interest. W.W. Crocker was the younger Crocker; Mr. Bob Martin I don't remember. The El Cajon Vineyards I don't remember. Paul Fagan, I think, was probably at Crocker.

Hicke: I see there was one oil company; it's Junction Oil Company, which I've never heard of, and it was a very small account.

Clinton: I don't remember that firm. I think there was another list of clients here.

Hicke: Yes, keep going; on the very back page of that there are more, starting with the St. Francis.

Clinton: The St. Francis Hotel. I don't know whether they stuck with the firm or not.

Hicke: Do you ever have any labor problems with them?

Clinton: No. And I don't know anything about the Dumbarton Bridge.

Hicke: That might have been when it was just being planned, or when it started being built.

Clinton: The amount that we billed was \$5,000. That could have been when they were organizing the Dumbarton Bridge.

³ See following pages.

Hicke: Well, we've been talking for about an hour, do you want to put some of this off until next time?

Clinton: I think so, I'm supposed to leave about quarter of twelve.

Hicke: Okay, then we had better stop.

III. CLINTON'S EARLY PRACTICE

[Interview 2: August 25, 1988]##

The Firm in the 1930s

- Hicke: Let's move on up to when you first went to work for Morrison & Foerster, because in your written history, you've told us the story of how you actually got that job.
- Clinton: It was in 1929 after I graduated from Harvard Law School.
- Hicke: So you went into Morrison Foerster, and what is the first thing that you remember about the office?
- Clinton: I remember that they only paid me \$100 a month.
- Hicke: That wasn't very much.
- Clinton: And I didn't get a raise for about five years, and at the end of five years I got a raise of something like five dollars a month.
- Hicke: Well, you started then working for Mr. Shuman.
- Clinton: I started working for Mr. John Franklin Shuman, one of the partners and the managing partner of the law firm. The principal partner in the law firm in those days was Edward Hohfeld, whose brother, Wesley Hohfeld, was an expert on the law of equity and a teacher on that subject at Yale Law School. Hohfeld was brilliant, as was his brother Wesley. His brother Wesley was first associated and then a partner with Mr. Morrison.
- Hicke: Was Judge [William L.] Holloway there when you came?
- Clinton: Judge Holloway was there, but he was not, as I recall, a partner. He may have been. But he was one of the young ones.
- Hicke: Who was he working for?
- Clinton: He worked principally for Mr. Foerster, because he was in the corporate security field, and that

was stocks and bonds and things of that kind, and that was Mr. Foerster's field of activity.

Hicke: Well, let me ask you about some of the other people: Frances Hutchens was there?

Clinton: Frances Hutchens was a graduate of Harvard Law School; he was there.

Hicke: What did he do?

Clinton: What did he do? He did the miscellaneous odd jobs. Leon de Fremery, who was a tax expert, used to be with Haskins & Sells, was also there. Forrest A. Cobb, who was a partner in charge of our San Diego office, was also there. Garrett Elmore was also there, and I don't believe he was a partner.

Hicke: What did he do?

Clinton: He did banking work. He did a lot of the Crocker Bank's work. Herbert W. Clark was a graduate of the University of Michigan. He was a trial lawyer, and a very good one.

The Hotel Leamington Problem

Hicke: Do you remember any stories that you heard when you would talk to some of these people? Does anything stand out in your mind?

Clinton: Yes, I can remember that Hohfeld called me into his office around 1933 or thereabouts and said to me: "Clinton [he never called me Hart; he called me by my last name] I have a good reputation in this town, and you don't have any. Now I'm in trouble and I want you to get me out of it."

Hicke: Oh yes. This is the Hotel Leamington, right?

Clinton: That's right. So he asked me to take his place as a director. They warned me that I would have trouble with one of the other people whom they felt compelled to place on the board of directors, namely, Cedric W. Peterson, who had been disbarred by the State Bar for embezzling clients' funds. But he had gone through a reconditioning period and he was supposed to be

a responsible lawyer at that time.

So the Hotel Leamington Board of Directors consisted of Henry W. Danenbridge, who was with the McCutchen firm, Cedric W. Peterson, and myself. We also had E.C. Pitcher, of the Pitcher Disappearing Door -- that was a door that slides into the wall and disappears. He was friendly with and knowledgeable about Mr. J.A. Newcomb, who was the lessee and occupant of the St. Clair Hotel in San Jose and said that he was aware of the fact that Mr. Newcomb was looking for a hotel. He felt that Mr. Newcomb would want to acquire the Hotel Leamington; so I started negotiations with Justin Jacobs, who was an attorney with McCutchen, Doyle, Brown & Enersen, and he was Mr. Newcomb's attorney.

I negotiated a contract right up to the point of signing it, at which time Mr. Jacobs said that Mr. Newcomb had gotten cold feet and was therefore out of the deal. So I said: "Isn't there anything else we can do?" "Well, yes, it's possible that Mr. Newcomb might agree to a management contract, providing he can get the occupancy of the penthouse on the roof of the Hotel Leamington," and that's the way we ended up. We ended up with a ten-year management contract with Newcomb interests, the name of his corporation being the lessee. Newcomb and his wife and the rest of his family moved up to the penthouse on the roof of the Hotel Leamington. And I insisted also that the condition of making a deal with Newcomb should be that he release Mr. Phil Riley, who was resident manager at the Hotel St. Clair, to be the resident manager of the Hotel Leamington. So Riley went to the Leamington, and he was very reliable. He had only one failure: he drank too much liquor. But that didn't seem to bother them at all. It bothered me, but it didn't bother him.

Hicke: [Laughter] Yes. Getting back to the early days at the firm, Wendell Fitzgerald was there?

Clinton: Wendell Fitzgerald was the probate lawyer, handling wills, estates, and things of that kind.

Hicke: And Emory Morris?

Clinton: Emory Morris was a graduate of the University of Michigan and came to the firm about the same time as I did. Then there was Noel A. Troy, who was a graduate of St. Ignatius Law School and also took a few courses at Harvard Law School the same year that I graduated.

Hicke: Now, how did they decide who was going to do what?

Clinton: That was decided apparently by the management of the firm. I simply did what I was told.

Hicke: Right. Do you have any sense of whether that was Mr. Hohfeld himself? Or did he confer with other partners?

Clinton: I'm inclined to think that Mr. Shuman had more to say about what I did than anybody else.

Hicke: Okay. Do you recall what kinds of standards were set by the partners?

Clinton: Yes, they had very high ethics. They were all good lawyers and had a good reputation in San Francisco.

Hicke: Were they particular about some things? Like were they particular about writing briefs, or were they particular about very careful preparation? And did they tell you these things, or did you just absorb it?

Clinton: No, I think I was just able to absorb it. I did work for Shuman, and I did work for Foerster. Foerster represented Foster and Kleiser Company. And I did work for Foster and Kleiser Company. Shuman did work for the bank and I did work for the bank.

Beginnings of the Labor Practice

Clinton: The early days, that is 1929, 1930, 1931, were years that I spent doing odd jobs. I was a specialist in anything. Then in 1934, Mr. Clark's son-in-law, Jim Blaisdell, did some work for the employers who were in a controversy with Harry Bridges over a strike in the warehouse industry, and Mr. Clark loaned Blaisdell to these employers to help them out in

settling their controversy with Bridges.

As I have mentioned before, Blaisdell was very able in getting along with Bridges, but after a few months, he left the firm and went over to Hawaii and started in his own firm in Hawaii dealing with Bridges over there, because Bridges had decided that he wanted to take over Hawaii and the West Coast.

The Distributors Association and Union Leaders

Hicke: So that left you here dealing with the labor negotiations?

Clinton: No, I was left here to do work for the Distributors Association, which was an employer organization, dealing virtually in the warehouse business with Harry Bridges and Louie Goldblatt. My position at first was attorney for the Distributors Association, and then after a while, Dwight Steele, who was the successor to Blaisdell, was asked by Blaisdell to go over to the Islands, and Steele decided that he would, and that left me all alone dealing with Bridges.

In my first experience in dealing with Bridges -- I wouldn't say it was my first -- I had a big strike in 1948 in the warehouse business involving the employers and the Distributors Association. I handled that strike, and you'll see there behind you a picture, a montage of various clippings which were published during the strike in 1948.

Hicke: What did you think of Harry Bridges?

Clinton: I thought he was a communist. I didn't have too much respect for him, but we got along all right. I think I probably got along better with Louie Goldblatt, who was Bridges' right-hand man, or left-hand man, and Eugene Patton, who was president of Local 6 in the warehouse industry. During the 1948 strike, Patton committed suicide by jumping off the Golden Gate Bridge; and I'm told by Sam Kagel, who knew Patton very well, that he thought that Patton had slipped morally and had taken up drugs again. He had been a drug user but had gone on

the wagon. He had gotten off them, but during the strike things got so tense, Patton got to using drugs again, and as a result of that, he committed suicide.

Hicke: How did you deal with Harry Bridges and Louie Goldblatt?

Clinton: We set up meetings of negotiating committees. Bridges usually represented the employees and Goldblatt did too. There were other union leaders involved. There was Dick Linden. He was one of the union leaders. There was Joseph Dillon, who went over the hill to the Teamsters Union and left the ILWU [International Longshoremen's and Warehousemen's Union]. There was George Volter, who was a Russian immigrant, who spoke broken English. He was active in Bridges' union with Linden and Patton, and Kagel was involved because we decided to try to get some settlement, so the good offices of Kagel . . .

Hicke: This was in 1948?

Clinton: Right, and he came in as a mediator.

Hicke: Before that, did you have to negotiate with Bridges and Goldblatt in the late 1930s or during the war?

Clinton: Yes, I think I did. I don't remember the details now, except I got along pretty well with them and we weren't too controversial.

Hicke: That's remarkable.

Clinton: Yes.

Hicke: Well, Jim Blaisdell had established a pretty good relationship beforehand.

Clinton: He had, yes.

Hicke: And so they apparently had some respect for the firm already?

Clinton: That's right.

Hicke: Do you know how he got started in that?

Clinton: Well, he got started because he knew somebody

among the employers' -- Mr. Clark, who was one of the senior partners, was the father-in-law of Jim Blaisdell. I don't know, it just happened one day -- the first thing I knew, Blaisdell was negotiating with Bridges.

Hicke: You don't know how the Distributors Association happened to go to Morrison, do you?

Clinton: They went to Morrison because the Morrison firm got along pretty well with Bridges. The Distributors Association was an off-shoot of the old San Francisco Employers' Council, which was managed by William Storie. There was another employer representative who was active in the Employers Council. The Employers Council continued to exist, but they had a different way of operating than I did. I had a reputation of being tough but relatively easy to get along with.

Hicke: And what was their way?

Clinton: Their way was to make deals if they could.

Hicke: You believe more in being open and above board, but firm?

Clinton: That was my way of doing business, right.

Hicke: Do you recall what firms, what companies, were members of the Distributors Association?

Clinton: Well, we had an executive committee which really ran the day-to-day operations of the Distributors Association, and on the executive committee were Peter Folger of Folgers Coffee, a gentleman, I forget his name now, from Hills Brothers Coffee, and there were others on the committee; there was somebody from Pabco on our committee.

Hicke: That was already a client of the firm, Pabco, wasn't it?

Clinton: I think it was. But I had no problems with Pabco and I had no problems with the coffee companies, except one of the coffee companies, Hills Brothers, was adverse to taking a strike, so they were relatively weak. We had other coffee firms as members of the association.

Hicke: You would advise the association as to how to proceed?

Clinton: That's the policy. I was the advisor to what steps they should take.

Hicke: And did they all agree to your advice?

Clinton: Well, I consider that Hills Brothers was relatively weak because they wouldn't stand up very long during a strike, and they were rather timid about taking a strike. There were others who were stronger, but Hills Brothers was weak.

Hicke: Did that make any difference to your negotiations?

Clinton: Well, sure. You have a weak member, the whole house falls down. But one of my main jobs was to keep Hills Brothers in line and to give them enough backbone so they'd stand up during a strike.

Hicke: How did you do that?

Clinton: I did that by meeting with their managers, meeting with Mr. Hills, and cautioning them that they weren't doing themselves or anyone else any good by being weak-kneed, and that system of treatment managed to keep them in line.

Hicke: Was that Reuben Hills?

Clinton: Reuben was one of them. And there was Ed Hills.

Hicke: Were there any other special problems?

Clinton: The Distributors Association had about 300 members, and so we represented a kaleidoscopic panorama of San Francisco firms who had people working for them, who were members of the Longshoremen's Union. I can't give you the day-by-day sketch.

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Clinton: Usually they became members by going to the National Labor Relations Board and filing a petition with the board for representation by the Longshoremen's Union. And the board would order an election. The union would win it, and

they would have another member. I can't remember that the union ever lost any elections.

Hicke: Well, along in the 1930s was the passage of the Wagner Act and the establishment of the National Labor Relations Board. Were you involved in labor relations at that point? Or did you come along later?

Clinton: I wasn't very actively involved. In those days I was doing banking and billboard work, antitrust work. I did a lot of antitrust work for Foster and Kleiser Company. I represented Foster and Kleiser Company when they had a long trial; they entered into a consent decree, in which they consented to an order directing them to recognize the union.

They consented, and then as a result of the consent decree, there were a number of Foster and Kleiser Company competitors, like Special Site Sign Co. or C.E. Stevens Company of Oregon and Washington, who filed suits for damages against Foster and Kleiser Company. Mr. Clark handled the trial of those actions. We lost the verdict in the trials but got the verdict reversed on appeal, and I did a great deal of the appellate work in writing a brief for Foster and Kleiser Company.

Hicke: What was Mr. Clark like in the courtroom?

Clinton: Very smooth, very elegant, he was a very able lawyer.

Hicke: Did he get excited or did he stay cool and polished?

Clinton: Stayed cool and polished.

Hicke: But he was effective?

Clinton: Very.

Hicke: Also about this time, we had the Depression.

Clinton: We certainly did. And it was a deep depression. I was working not for dollars but for pennies.

Hicke: Yes. How did that affect the work at the firm?

Clinton: We worked harder than we ever did.

Hicke: So you had no lack of clients?

Clinton: No lack of opportunity to work either -- I worked nights during part of this time. Of course, I was running a hotel -- I ran that for fourteen years -- and then I took over the management of the newspaper here.

Hicke: How did that come about?

Clinton: Mr. [Horace W.] Amphlett died in 1933; he was the sole proprietor and owner of the San Mateo Times. He left his estate in trust for his father, his widow, and his three sisters with the provision that the trust would end in ten years. And so the trust came to an end in 1943.

In the meantime, I took over. I had as competitors here the Burlingame Star, the Redwood City Tribune, the Palo Alto Times, and I also had some weeklies as competitors, all of whom we have since acquired, except the Tribune Company newspaper chain purchased Peninsula Newspapers Incorporated, which owned and operated the Burlingame Star, Redwood City Tribune and the Palo Alto Times. The Tribune Company now operates the Palo Alto Times and the Redwood City Tribune under the name of the Peninsula Times Tribune. We bought out the Burlingame Star, so that is no more.

Hicke: Here's a list of just some of the things you were doing in 1937.⁴ It looks like a mixed bag.

Clinton: I worked for the Foster and Kleiser Company. I handled a number of processing tax cases. The government imposed the processing tax on the processing of certain merchandise. There was a processing tax which had to be paid or resisted. I resisted some; on others I compromised. I filed refund claims for the meat packers -- I represented South San Francisco Packing and Provision Company, Moffitt Company, James Alan and Sons, Lorey Shelling, J.G. Johnson Inc., and Louis & McDermott. They were all in the meat business.

⁴ See following pages.

I did quite a bit of sugar work. Spreckels had two lines of sugar operations. They had a cane cooperation, which was Western Sugar Refinery, and then they had beet sugar factories in five different cities scattered around California. I had the tax work there. I see this Special Site Sign Company listed here as well as Shurtz,⁵ and we also represented Honolulu Oil Corporation. I handled that together with the pipeline taxes.

Hicke: Well, shall we put the rest of this off until another time?

Clinton: As you wish.

Hicke: Okay, let's do.

Other Clients

[Interview 3: September 1, 1988] ##

Hicke: I wanted to start this morning by asking you if you have any recollection about some of the very early clients of Mr. Foerster, and one of them was Matson Navigation Company.

Clinton: No, I don't. They were clients of the office when I went there in 1929, insofar as I can recall, and were clients of the office when I left in 1977.

Hicke: That's pretty remarkable. But did you ever do any work for them yourself?

Clinton: No.

Hicke: Okay, and you have no idea how they came to Mr. Foerster?

Clinton: I have no idea whether Mr. Foerster had bought

⁵ Alonzo C. Shurtz was putting up billboards on Foster and Kleiser's property. He was allowed to do it until a sudden burst of activity made F&K suspect the C.E. Stevens Co. was behind him. When Shurtz went into bankruptcy, inventory showed his panels were owned by C.E. Stevens Co.

some stock of the company and acquired an interest that way, or what the reason was.

Hicke: Did that sometimes happen? Did things work that way?

Clinton: It could have happened, I don't know.

Hicke: Did other clients come in that way?

Clinton: Well, the other clients that came to the office, the principal clients I remember, were the Crocker interests, and the Spreckels interests, Foster and Kleiser Company, the Distributors Association. They fell into categories: the Distributors Association was a group of employers interested in labor negotiations and labor peace. Foster and Kleiser Company was interested in erecting billboards on a landscape with impunity. And by impunity, I mean without being sued for violating antitrust laws or having too many boards or desecrating the landscape. Environmentally they were not very appealing, but I got along with them all right.

Hicke: How about Food Machinery Company? Do you know anything about that one?

Clinton: Yes, I think Mr. Foerster started with Food Machinery Company and they grew to be a rather substantial client.

Hicke: Did you ever do any work for them?

Clinton: I could have, I don't remember now. I did a lot of work which was associated with Mr. Foerster. I remember being in his office on a number of occasions doing work for him and also doing research work for him.

Hicke: Was he easy to work with?

Clinton: Very easy to work with. And I might say that I was easy to work with too.

Hicke: Well, sure, I assumed that. [Laughter]
Honolulu Oil Corporation?

Clinton: Honolulu Oil Corporation: I believe that was one of Mr. Morrison's clients. It remained a client of the office all of the time I was there and as a client of the office when I left. It

covered a broad scope of activities. I enjoyed working for them. I used to go duck hunting with one of the chief executives of the company.

Hicke: Who was that?

Clinton: Lauren Cranson. We used to call him "Doc" Cranson.

Hicke: But he wasn't a real doctor?

Clinton: He may have been a doctor of some kind, maybe a doctor of jurisprudence, but he was not a doctor of medicine. Nobody ever called me "Doc." They called me Hartless.

Hicke: [Laughter] Was that mostly oil and gas leasing, or antitrust work?

Clinton: It was oil and gas leasing for the most part.

Hicke: Was there any big litigation going on with them?

Clinton: Well, they had litigation; I don't recall now just what it was, but I remember that they were involved in litigation.

Hicke: And another similar one: Reserve Oil and Gas?

Clinton: Yes. Reserve Oil and Gas Company was a very active client of the firm, but I don't recall now just exactly with whom they were associated. That is, I don't recall which partner serviced them.

Hicke: One of the things that I ran across when I was looking through some old files was memoranda that you submitted to Mr. Shuman which indicated you were monitoring legislation that was going through the state assembly and senate. Do you recall anything about doing that? This was in the early 1930s.

Clinton: I remember I did it, but I don't recall the details at the present time.

Hicke: What was the purpose of this?

Clinton: Well, the purpose was to keep close watch on the legislation that was going through the legislature so that the company could protect itself, as a result of warnings by us, as to

legislation which might be dangerous to their interests. By dangerous I mean adverse.

Hicke: So this was part of the firm's job as counsel to various corporations?

Clinton: That's correct.

Hicke: Do you recall how you did this? Did you just watch the newspaper, or did you get bill files?

Clinton: I received regularly a calendar from the legislature indicating the days that bills were pending, the progress of the bills through the legislature, what amendments were made, what objections were made to the legislation which was pending. It was an active account, and it kept me busy.

Hicke: Yes, I should think so. Did you have any dealings or relationships with anyone in Sacramento -- oil and gas lobbyists, or other lobbyists?

Clinton: No, but being in the newspaper business, of course, I was well acquainted with the politicians in the county, and I could be of service to the firm and the client because of my association with these politicians. For example, there was Richard Dolwig, who was an assemblyman and later a senator. He was from San Mateo County. He later ended up in jail for some reason or other, but he got out.

Hicke: I interviewed him and he told me about that; he seems to feel it was a conspiracy.

Clinton: I don't know, it might have been, but I was not aware of it.

Hicke: Anyway, that was after he was out of the senate.

Clinton: I think he was guilty.

Hicke: He was a senator for a long period of time.

Clinton: That's correct, and well known in the county.

Hicke: Did the law firm have any particular relationship with him or was it just through that . . .

Clinton: No, it was principally between Dick Dolwig and myself.

Hicke: So anyway, back in the 1930s when you were just monitoring this and the firm would see some significant legislation that was passed, would they make any attempt to influence the . . .

Clinton: Not only legislation that passed, but legislation that was pending or legislation that was proposed and that stood a chance of getting passed, and we might marshall our forces to oppose the passage of that legislation.

Hicke: That's what I wondered. What would your forces be?

Clinton: Our forces would be to talk to all of the conservative legislators who might be willing to listen to what we had to say or other people interested in the oil business.

Hicke: Did you actually go to Sacramento yourself?

Clinton: I went to Sacramento several times by myself, yes. I was close enough to Governor [Ronald] Reagan when I was president of the Rotary Club here that I was able to prevail upon him to be a speaker before the San Mateo Rotary Club. Over on the wall there you see a picture of Reagan and myself, taken at the time that he spoke before the club.

Hicke: I see it, yes.

Employees and Office Procedures

Hicke: Now let me switch a little bit to styles of management. I think that Edward Hohfeld was the first person . . .

Clinton: Edward Hohfeld, when I went with the firm in 1929, was the principal and most dominant partner. Foerster was also a strong leader, Mr. Shuman was the managing partner of the firm. De Fremery managed the tax department. The firm was not large in those days; I don't think there were more than eighteen or twenty lawyers in the firm. And at the present time, there are 200 or 300. We're about the second largest law firm in

San Francisco.

- Hicke: I also have on the list here some of the staff people, and I thought I'd ask you if you recall anything about them. Miss Fogarty?
- Clinton: Miss Fogarty was Mr. Foerster's secretary.
- Hicke: Okay. This was 1934. Then there was a Miss Wills.
- Clinton: I remember Miss Wills; she was Mr. Shuman's secretary.
- Hicke: If you recall anything about them, let me know. Mrs. Foster?
- Clinton: Mrs. Foster was Mr. Herbert Clark's secretary, and as such she was rather a dominant person of the firm. I don't think she was particularly well liked by many of the lawyers. She was inclined to be bossy.
- Hicke: Did you have a hard time getting through her to see Mr. Clark?
- Clinton: No, I could always get to Mr. Clark.
- Hicke: Okay, so you didn't have to go through . . .
- Clinton: There was nothing blocking me.
- Hicke: Mrs. Chloupek?
- Clinton: Mrs. Chloupek was secretary to Mr. de Fremery.
- Hicke: Were the files kept in a central location, or did each person keep his own files?
- Clinton: There was a central filing system and then there were files kept by each lawyer. I had my own set of files, relating to the activities that I was engaged in, and they were kept in my office or were readily accessible.
- Hicke: Yes, I saw a memo somewhere saying something to the effect that people had -- this was a memo put out by Shuman -- that people had been taking your legislative files and not returning them, something like that.
- Clinton: I don't think that was a habitual practice. It

could have happened on occasion.

Hicke: What was kept in the central filing area?

Clinton: I would say all the general files. Let us say the files of clients who weren't particularly important but nevertheless had consulted the firm for advice or activity.

Hicke: What about cases that were closed?

Clinton: Well, those files were retained for future use.

Hicke: In the central filing area?

Clinton: That's right.

Hicke: And also personnel files?

Clinton: I don't recall that we had much in the way of personnel files. If a person was fired, there was a personnel file giving the reason. If a person was warned, there was a personnel file giving warning.

Hicke: How about pay records?

Clinton: I had nothing to do with those. They were kept by the accounting department.

Hicke: Oh, okay, so there was an accountant and an accounting department?

Clinton: That's right.

Hicke: How about office machinery?

Clinton: We had dictating machines, dictaphones; that was about the only machinery we had.

Hicke: Typewriters?

Clinton: Typewriters were assigned to each lawyer or secretary and kept in their possession as long as the typewriter was assigned to that lawyer.

Hicke: Did you have any kind of duplicating equipment?

Clinton: As I recall, we did. I don't recall at the present time that we kept duplicating equipment on the scale that we keep at the newspaper here. We have a duplicating machine out there in the

business office where the girls come and take the documents that are to be duplicated and they duplicate them themselves and pass them around to the person interested in the future use of the duplicated material.

So far, I've only answered questions as to what you asked me.

Hicke: Well, feel free to add whatever you want.

Clinton: Well, I think it was a lovely place to work.

Hicke: That's a nice thing to add. [Laughter]

Clinton: And we had a good reputation for being good lawyers, and we were generally successful in our litigation; Mr. Clark particularly was very successful.

Hicke: How do you account for that success?

Clinton: How do I account for that? He had a good personality; he had a good manner with the jury, had a good manner with the court; he got along with the lawyers on the other side, was respected. I would suppose that most of the litigation was handled by Mr. Clark. His activity was principally in the field of litigation.

Hicke: Would he handle matters for clients who were not normally his clients if they went to trial?

Clinton: Were not normally what?

Hicke: Let's say that Mr. Foerster had a problem with Food Machinery and it went to trial. Would he ask Mr. Clark to take over the litigation?

Clinton: He might.

Hicke: So that Mr. Clark would handle matters for other partners?

Clinton: That's correct. That's correct.

Hicke: What about recruiting and hiring? Did you do any of that? I'm still back in the 1930s now.

Clinton: I didn't do any recruiting and hiring myself. Lawyers were recruited mostly from Harvard Law

School and from the University of Michigan. Mr. Clark was a Michigan graduate, Mr. Hohfeld was a Harvard graduate, Mr. Shuman was a Harvard graduate, as was Mr. Foerster; I think Mr. Cobb was a University of California graduate. The recruiting was done as a rule by individual lawyers who wanted to add to the workforce, to beef up the organization, and that included people like Hutchens, Elmore, Kreis, Fitzgerald, Troy, myself, Boyce, Gross, and Emory Morris. Morris was a Michigan graduate. Troy graduated from St. Ignatius, then took a year at Harvard Law School.

Hicke: Would attorneys sometimes come to the firm and sort of knock on the door and see if there was anything available for them? Law school graduates?

Clinton: No.

Hicke: So if you wanted somebody to do more antitrust work, for instance, you might go to the University of Michigan or Harvard and ask who was graduating?

Clinton: Well, Mr. Clark would be in contact with the Dean of Michigan Law School and could find out from him who was available for a particular field of activity. Mr. Hohfeld might do the same at Harvard Law School.

Hicke: Were they generally pretty happy to go to California from the East Coast and Michigan?

Clinton: Oh yes. Very nice place to work.

Hicke: [Laughter] Right. I would think that might be an attraction, as well as the reputation of the firm.

Clinton: I know when I came to California, I was very happy. I was happy all the time I was here.

IV. The 1940s

Becoming A Partner

Hicke: Let's go to 1941, when you became a partner. How did that come about?

Clinton: Well, I was more active then in the practice of law and got recognized as being someone who had a promising future, and for that reason, I was promoted to be a partner.

Hicke: Who came to you and told you the news?

Clinton: It could have been Mr. Clark or Mr. Hohfeld.

Hicke: Was that much of a change for you?

Clinton: No, I continued to live the same life, resided in the same home, was married to the same wife, had the same children, so there was no change in those respects.

Hicke: But did you have somewhat more to say in the management of the firm?

Clinton: At one time I was managing partner, and that was probably in the 1940s or 1950s or thereabouts.

Hicke: Right after Judge Holloway?

Clinton: Holloway was the managing partner and then after that I took over the management of the firm.

Hicke: What did that involve?

Clinton: It involved mostly seeing that the [clients'] bills were paid and our bills were paid and keeping peace in the firm. It also involved overseeing the assignment of cases to various lawyers, seeing that the work was done and done satisfactorily and that the . . .

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Hicke: You had to see if the work was done satisfactorily for the clients? And how did you make sure that that was the case?

Clinton: Well, if there were any complaints about anybody at work, why, that would come to my attention.

It would be my job as managing partner to correct it. So I would say that my management consisted principally of keeping the complaints at a low level.

Hicke: Apparently you did that very well.

Clinton: I think so.

[Back in the 1930s] I think I progressed with the firm when I became head of the Distributors Association and began running the Hotel Leamington in Oakland. I bailed out that hotel and made a success of it, then I became active in the newspaper field, and the more active I became, the more opportunity there was for me to progress in the firm.

Responsibilities

Hicke: There was also the Santa Cruz Portland Cement Company; you handled quite a bit of work for them.

Clinton: That's right, that was a Crocker activity. I negotiated their labor contracts and dealt with a Mr. Robert Kinzie, who was manager of the company.

Hicke: Did they have any major problems?

Clinton: Well, they had a contract to negotiate every year or every three years. And there were grievances, which were filed by the union or filed by the company, regarding activities of various employees.

Hicke: Who was the head of the union?

Clinton: It was a union that was, I believe, affiliated with the United Cement Workers Union.

Hicke: You must have been getting pretty busy. Did you have someone then to start helping you with the labor negotiations?

Clinton: Yes. Jim Paras was engaged to help me with labor negotiations.

Hicke: About what time, do you recall -- in the 1940s

or something like that?

Clinton: About the time he was hired. He was already busy in the labor field, I think with the National Labor Relations Board.

Hicke: Right. He had already been with them for ten years, or something like that.

Clinton: I received a telephone call from one of the executives of the National Labor Relations Board saying that if I wanted a good man, Paras was a good man and he would recommend him.

Hicke: How did his work get started?

Clinton: I started in by giving him research to do, memoranda to write, the results of his research, and then by degrees he became acquainted with the clients and more active in the day-to-day problems of the firm.

Hicke: So what we're talking about is the beginning of the labor department?

Clinton: That's right.

Hicke: Was Jim Paras the first one who actually was hired on to help you?

Clinton: I think there were others who were helping me, but Jim Paras stands out.

Hicke: There are a couple of people we left out when we were talking about the staff: the office boys. One was Harold Brown.

Clinton: Harold Brown was the brother of Pat [Edmund G. Sr.] Brown.

Hicke: This is the same Harold Brown who is now a judge?

Clinton: That's right.

Hicke: So he was an office boy. Was he going to school at the time?

Clinton: Yes, I think he was going to the University of San Francisco.

Hicke: And the other one whose name I have is Herb

Garibaldi.

Clinton: Yes, Herb Garibaldi was an athletic young man who was very well liked by the clients, not because of his athletic achievements, but he happened to be athletic. He was easy to get along with.

Hicke: What did the office boys do?

Clinton: They ran errands, carried messages, did all sorts of odd jobs.

Hicke: Would they for instance get books from the library?

Clinton: If necessary.

Hicke: Would they go to courts and file any papers?

Clinton: No, no.

Hicke: Did you have associates doing those kinds of things?

Clinton: We had associates who were doing some of that work, but they don't stand out in my memory now as being outstanding.

Hicke: In general, when an associate would come on, was there a period of general training, or would he start right in with one of the partners?

Clinton: When an associate came on, they would usually start in with one of the partners. That was true of Emory Morris, let's say; I think he went to work for Clark. Troy went to work for Shuman because he had done considerable bank work. Garrett Elmore was in the general field of the law, as was Bud Kreis. His real name was C. Coolidge Kreis.

War Years

Hicke: Let me just ask you one more general question for this morning and that is about the war years. Does anything stand out in your mind?

Clinton: Yes, I woke up one morning, and heard President Roosevelt on the radio announcing that

the Japanese had begun bombing Pearl Harbor. It was December 7, 1941, then; then we were in the war.

Hicke: And what did that mean for the firm?

Clinton: Well, so far as I personally was concerned, it meant that I had to watch my P's and Q's as to whether or not I was going to be drafted. I didn't enlist but I filled out papers for the draft, and I was subject to being drafted, but I never served. I had a brother, George, who is now dead, who came with the firm and -- let's see, he was twelve years younger than I was -- he advanced through the ranks and retired as a captain in the U.S. Army.

Hicke: Did other people leave the firm?

Clinton: I don't recall anybody outstanding leaving the firm.

Hicke: There must have been a lot of extra work, like the relationships with the National War Labor Board?

Clinton: Well, we had the War Labor Board activity in those days, and all wage increases had to be approved by the War Labor Board, or a section of the Board, before they could be put into effect, and we had to watch the procedures to be followed there to make sure that we kept our nose clean.

Hicke: I also ran across a memo in the files where you, as a representative of Morrison & Foerster, conferred with members of other San Francisco law firms to request exception to the War Production -- I think it was the War Manpower or War Production Board -- ruling that everybody had to work extra hours. I think they had to work forty-eight hours a week, and your memo said something to the effect that you and the people at Morrison & Foerster worked as long as necessary to get the job done.

Clinton: That was true. In those days I worked Saturdays as well as other days. I worked many nights; sometimes I worked all night, if I were in negotiations. So it was not an easy job.

Hicke: Right. Do you recall conferring with these

other San Francisco firms?

Clinton: Yes, I recall conferring with them, not particularly about that subject, but about other subjects that were of common interest. We had a group of lawyers who represented management and a group of lawyers who represented labor unions, and the management lawyers usually stuck together and also the labor union lawyers stuck together. I could usually forecast what would be forthcoming from Sam Kagel, who used to represent Harry Bridges, and there were others in the labor field who represented unions, and I could usually tell in advance what their positions would be.

Hicke: Do you recall any other names of lawyers on either management or the labor side you worked with?

Clinton: On the management side, there was Alman Roth, who was head of the San Francisco Employers Council; there was George Bahrs who was also of the Employers Council. There was William Storie, who likewise was with the San Francisco Employers Council. Those were the principal ones that I remember.

Hicke: Okay, well maybe that's enough for today.

Clinton: Just as you say.

[Interview 4: September 14, 1988]

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Politics

Hicke: What I'd like to start with this morning is this: the firm today is known as being rather liberal, shall we say, and maybe even Democratic. How would you characterize it in the 1930s? What were the politics?

Clinton: The politics were strictly Republican.

Hicke: All of the partners were Republican?

Clinton: I don't know that Mr. Morrison was a Republican.

Hicke: No, Mr. Morrison was a Democrat, but after he

died.

Clinton: Herbert Clark was a Republican and a close friend of Herbert Hoover's.

Hicke: Oh, was he?

Clinton: Yes. Frank Shuman was a Republican. Roland Foerster was a Republican. Edward Hohfeld was a Republican.

Hicke: That's all of them.

Clinton: So they had Hohfeld, Foerster, Shuman, and Clark.

Hicke: Yes. Well, how did Mr. Morrison happen to gather up all these Republicans, since he was a Democrat?

Clinton: Well, he was a very liberal sort of soul, and broad-minded. He would have liked you, for example.

Hicke: Good, I'm glad to hear that. [Laughter] So perhaps the politics of the partners didn't matter that much at that time?

Clinton: Well, it did matter, I think. I think our clients in the 1930s were mostly Republicans or of the Republican persuasion.

Hicke: Yes.

Clinton: And I would even say that they were probably reactionary.

Hicke: Did the partners get involved in politics?

Clinton: Herbert Clark did. He was very active in Republican politics.

Hicke: What did he do, do you recall?

Clinton: Well, he was, as I say, a very close friend of Herbert Hoover's.

Hicke: How did he get to become a friend of Herbert Hoover's?

Clinton: Well, I guess Hoover was a client of the office.

Hicke: He was?

Clinton: I used to see him there, in those days.

Hicke: I wonder what kind of work they did for him.

Clinton: Probably counted his money. [Laughter] I didn't think much of him.

Hicke: He used to come into the office?

Clinton: He used to come into the office. I used to see him.

Hicke: And he would deal mostly with Mr. Clark?

Clinton: Mr. Clark introduced me to him one time, which was quite an honor in those days because he was the ex-president of the United States.

Hicke: Well, that's the first time I ever heard that he was a client.

Clinton: Oh yes. Mr. Brobeck used to be the City Attorney. He left the firm and went over and became part of the Brobeck, Phleger and Harrison firm.

Hicke: Yes.

Clinton: Herman Phleger, of course, left the firm.

Hicke: Were they both Republicans also?

Clinton: I would think so. I don't know whether Maurice Harrison was. Harrison used to be the Dean of Hastings Law School.

Hicke: Was Brobeck the City Attorney of San Francisco at the same time that he was in law practice, or was it before?

Clinton: No, I think he was previously the City Attorney.

Hicke: That would make more sense. I also know that Herbert Clark was active in the ABA. Do you know anything about that?

Clinton: In the American Bar Association.

Hicke: Right.

Clinton: He was very active nationally in legal affairs and the Bar Association.

Hicke: Would you get involved with him?

Clinton: No, I didn't get involved with him. I was originally a Democrat, and then I went over the party line and became a Republican.

Hicke: When did you change?

Clinton: After I joined the law firm.

Hicke: So they definitely encouraged a Republican outlook?

Clinton: Well, let me say they discouraged a Democratic one. [Laughter]

Hicke: How would they let you know about that?

Clinton: Oh, there were so many things said at firm luncheons and other meetings that there was no question as to where they stood.

Hicke: Oh. Tell me about the firm luncheons. We haven't talked about that.

Clinton: The firm had a luncheon at least once a week, at which time they took up the business of the previous week and upcoming business and clients' affairs and things of that kind. And the luncheons were held at the Bohemian Club.

Hicke: Would you have attended those in the 1930s before you were a partner? Or was it only for partners?

Clinton: Not until I became a partner.

Hicke: So it was only partners that went to those luncheons?

Clinton: That's right.

Hicke: And were there business decisions made then about clients or who would do what work?

Clinton: Well, client affairs were discussed. I can't recall at this time what particular affairs were discussed, but those affairs were discussed.

Hicke: So that was one way everybody had to keep up on what everybody else was doing?

Clinton: I knew where they all stood.

Hicke: And did you also know a lot about the other matters that were being handled by other partners, litigation that was going on and so forth?

Clinton: Oh, I did quite a bit of work for Herbert Clark when I started in, so I knew about his clients. He had negotiated a consent decree with the Spreckels companies, and I did some work for him on that.

Hicke: Would you have known, for instance, what Mr. Foerster was doing?

Clinton: I didn't pay so much attention to what he was doing. He was more of a bon vivant.

Hicke: Oh really. [Laughter]

Clinton: Yes. He was a very able lawyer. His father was a partner of Mr. Morrison's.

Hicke: Well, that's another thing I wanted to ask you: Do you know anything at all about Constantine, how he joined the firm?

Clinton: I don't know anything about him other than what Mr. Morrison's sister would tell me from time to time about Constantine being a partner of Mr. Morrison's.

Hicke: But you don't recall much of anything about him?

Clinton: I didn't pay so much attention to what she told me.

Hicke: You didn't know I was going to be asking you all these questions. [Laughter]

Clinton: No, I didn't.

Hicke: Well, after you joined, were members of the firm involved in local politics, in San Francisco politics?

Clinton: I was involved in politics to some extent, because Mrs. Morrison was involved in litigation

involving her home, as to how the property was going to be zoned. I represented her before the Planning Commission and before the Board of Supervisors.

Hicke: Was your house in the same zone, with the same problem?

Clinton: I lived across the street from her.

Hicke: Yes.

Clinton: So I didn't have the same interests as she had.

Hicke: I see. What happened in that matter?

Clinton: Well, we were successful eventually. I used to work with Mr. Chapin, who was at one time, I think, head of the Planning Commission. And I used to keep in touch with him as to what was going on in planning matters and tell him about Mrs. Morrison's problems and why we needed help, and it was forthcoming. He was very helpful.

Hicke: What were the problems she was having?

Clinton: There were people who wanted to develop property around there and take it out of the residential zone, put it in a development area, and she was, of course, opposed to that, because she was devoted to the history of San Francisco and the area in which she and her husband had their home. Her home was on 2022 California Street. And I lived with Mr. Morrison's sister across the street, at 2055 California Street.

You see, when I came to San Francisco after I drove Dr. Staples from the East to the West Coast so that she could have her car, Dr. Staples decided that she would live in San Francisco, and she wanted to live close to Mrs. Morrison. So she picked out an apartment house across the street from Mrs. Morrison.

Hicke: I see. Well, we've talked about local politics; were any of the partners involved in state politics?

Clinton: I'd say probably Herbert Clark was. Whether Hohfeld was, I don't recall at this time. Edward Hohfeld was the brother of Wesley Hohfeld, who used to be an expert on the law of

equity and a professor of equity at Yale University, and Wesley was originally a partner of Mr. Morrison's, but subsequently Edward took his place and I guess Wesley went back to teaching law at Yale Law School.

Hicke: What about national politics? Was there any involvement in presidential campaigns or senatorial campaigns?

Clinton: Well, only to the extent that Mr. Clark was very close to Mr. Hoover.

Hicke: But that was after he was President.

Clinton: Yes, that's right.

Hicke: So there was no campaigning for Wendell Willkie or anybody who ran against [Franklin Delano] Roosevelt?

Clinton: No, I don't recall anything outstanding in Mr. Clark's history in that respect. He was a devoted Republican and a Republican leader and a very outspoken member of the Bohemian Club, which you know is a very conservative club for the rich bitches.

More on Early Labor Work

Hicke: [Chuckles] Okay, well, let's go back to the 1930s.

Clinton: Well, in 1931 I was doing work for Mr. Clark, on the Foster and Kleiser case.

Hicke: Did you know about the San Francisco waterfront strike?

Clinton: Yes, it was well known, well publicized in the daily press. Harry Bridges, of course, was hated as a communist labor leader. I got to know Harry very well and you'll see a letter from Bridges there. [Points to wall]

Hicke: Yes, I remember that.

Clinton: In which he wrote in rather affectionate terms about me. I got along, as I say, very well with him; I thought he was an honest man, even though he was a communist.

As I recall, Harry came to the forefront about the time of the waterfront strike in 1934.

Hicke: Was the firm involved in that?

Clinton: Not directly I don't think.

Hicke: Okay, the warehouse association . . .

Clinton: Well, Harry invaded the warehouse industry after he organized the waterfront. And Harry Lundberg was the head of the Sailors Union of the Pacific and was no friend of Harry Bridges. And Bridges was no friend of Harry Lundberg's. Lundberg was more of a right-winger, as I recall.

Hicke: So there was a little confrontation between those two?

Clinton: That's right.

Hicke: And were you or Blaisdell involved in any of that?

Clinton: Blaisdell got into it first. He got into it during the waterfront strike as an assistant to those who were involved in the strike -- the employers. And in recognition of his service to the employers, they offered him a job as attorney for the Waterfront Employers' Association.

Hicke: But during the strike, was he a part of the firm?

Clinton: He came into the firm about the same time as I did. He was part of the firm.

Hicke: Yes, so actually the firm was involved in the strike.

Hicke: Well, we talked about the firm having luncheons. Did the firm also have social outings? Dinners?

Clinton: Well, many of the partners were active in the Bohemian Club and in camps out at the Bohemian Grove. Roland Foerster was an active Bohemian, Herbert Clark was an active Bohemian. I think Frank Shuman was an active Bohemian. I don't recall at this time whether Edward Hohfeld was.

Hicke: But within the firm, with each other. Were

there, for instance, any dinner parties where you would bring your wives, or picnics, that kind of thing?

Clinton: I don't think we went the picnic route. I don't recall any outstanding events of that nature.

Hicke: In other words, you didn't see them outside of the office very much?

Clinton: No.

Hicke: Okay, let me see where we are here. In the 1940s, after the war, people started coming back, so that there were more lawyers to take care of the work, is that right?

Clinton: The firm started to grow after the war. When I started with the firm, there were probably around eighteen or twenty lawyers at the most. At the present time they are the second largest law firm in San Francisco and are very successful.

Hicke: What were you doing right after the war?

Clinton: I was in labor work. I was representing Foster & Kleiser Company. I was representing the sugar companies, that is Spreckels Sugar Company, Western Sugar Refinery. I represented Holly Sugar Corporation, but most of my work for Holly was in the labor field.

Hicke: What did this work involve, what were you doing?

Clinton: I was doing labor work in the interests of the employer in dealing with Bridges.

Hicke: You were negotiating contracts, for instance?

Clinton: I negotiated the contracts, represented the companies, and protected their interests against unwarranted invasion by Bridges.

Hicke: Can you recall any specific examples?

Clinton: Well, Bridges organized Holly Sugar Corporation, I remember that. And I represented Holly in that case. He also organized American Crystal Sugar Company, and I eventually represented American Crystal Sugar. He represented the workers at Spreckels Sugar Company.

The sugar business was divided into cane sugar and beet sugar. Holly had five beet sugar factories. I say factories because they weren't refineries. They took beets and sliced them and reduced the sugar in the beets to a salable item. American Crystal Sugar Company was likewise, as I recall, a beet sugar company. Spreckels Sugar Company was a beet sugar company. They had beet sugar factories at Spreckels, which was down near Salinas, and they had a cane sugar refinery in San Francisco known as Western Sugar Refinery. So I represented Spreckels in both their Western Sugar operation and the beet sugar operation.

As a matter of fact, in dealing with the unions involved, I dealt mostly with the Sugar Workers' Union, and all my work was to protect the companies from being taken over by the Sugar Workers' Union and to make decent contracts with which the companies could live.

Hicke: Was that a tough job?

Clinton: Well as I look back now, it didn't seem so tough, but . . . [Pause]

Hicke: You had some unusual, shall we say, characters to deal with from time to time.

Clinton: I certainly did. I had Harry Bridges, I had Louie Goldblatt, I had Richard Linden, I had Charlie de Wadi. They were all with the International Longshoremen's and Warehousemen's Union. Then I had the Beet Sugar Workers' Union which was headed by Kyle Dickenson. At least on the West Coast it was. And Dickenson was interested in getting the representation of the workers to the extent that he could.

There was not complete harmony between Dickenson and Bridges, because Dickenson was more of a trade unionist. Bridges was more of a communist. You've got to understand that in dealing with Bridges, you had to deal with a background of communism where he was influenced the most in his decisions by what was good for the communist party.

Hicke: He was a so-called card-carrying member.

Clinton: I'm sure he was. I never saw his card if he had

one.

Hicke: How did you deal with that?

Clinton: I accommodated myself to the demands of the union, and I had a reputation of being tough, I was not giving in easily and that manifested . . .

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Hicke: You just said that manifested itself in your dealings with Bridges. So he knew about you?

Clinton: He certainly did, yes.

Hicke: And respected you, obviously.

Clinton: Yes. He was an Australian, had an Australian accent, called me HAAAT.

Clinton: Then he had a number of other associates in the union movement, some of whom I've named, like Louie Goldblatt, Charles de Wade, Richard Linden, and there were others. The picture under the clock up there on the wall has the picture taken from the 1940 negotiations.

Hicke: And the big headlines that say "Strike Settlement." That's very nice.

Clinton: That's right.

Hicke: What was the big problem in 1948?

Clinton: The big problem was recognizing the union and dealing with it and accommodating ourselves to what would satisfy Bridges. And at the same time, protecting the interests of the employers.

Hicke: Was it a long strike?

Clinton: Yes, about four months or so.

Hicke: Did you feel the pressure?

Clinton: Well, if I did I never exhibited it.

Hicke: In your long period of dealing with the unions, can you tell me about the changes that took place in the labor movement in San Francisco?

Clinton: Insofar as the International Longshoremen and Warehousemen's Union is concerned, I would say that they became moderate as time went on. Other unions with which I dealt likewise became fairly moderate. I didn't give away the store.

Hicke: Why do you think that this change occurred, that they became more moderate?

Clinton: Well, I wouldn't give them what they wanted. The only way they could get it was to strike and to keep the guys out on the bricks until they were ready to go back to work.

Hicke: But then after they began to realize that they couldn't win a lot from you, would they moderate their demands and not go on strike and . . .

Clinton: Well, I'll give you an example. There was a jurisdictional dispute between the Teamsters Union and the ILWU, the warehouse union. And during the strike, the Teamsters acted as scabs for a lot of the employers that were involved in the strike.

When the strike was over, we went back to sit down with the longshoremen's union, and I said to Louie Goldblatt: "Now this year I've got to get a cheap settlement." "What do you mean by a cheap settlement?" "Not more than two and a half cents an hour." "Oh, Clinton, you can't expect me to deal for that price." I said, "That's as much as you're going to get." So I settled for around two to two and a half cents an hour, and the Teamsters accused me of negotiating a sellout. And the longshoremen weren't too happy with me either, because I didn't give them what they wanted.

Hicke: In effect, what you did was to forestall his demands by, instead of waiting until they went on strike and saying: "We demand this," you told them ahead of time what you would settle for.

Clinton: Absolutely.

Hicke: Was that effective in other cases too, did you do that again?

Clinton: Certainly was.

Hicke: So would you say this was a technique you used, at least occasionally or frequently -- to tell them in advance what you would settle for?

Clinton: I can't recall now just the exact process of thinking I went through, but I knew Goldblatt very well. He knew me very well, and I told him: "Lou, we've got to have a cheap settlement." And he was realistic enough to know why: that I had used the teamsters during the strike to fill their jobs and that I wanted a payoff and the payoff was a cheap settlement.

Hicke: This was in 1948 right?

Clinton: Yes.

Hicke: Another person you worked with or against, as the case may be, was Jimmy Hoffa, and you told me about the time that you told him this wasn't Chicago and he wasn't going to get what he wanted.

Clinton: He was from Detroit. He was a gangster, unlike Bridges, who was honest. Jimmy was a guy who had business agents out collecting money for him and supporting him in that way, and the occasion arose when I was negotiating a pickup and delivery contract in the liquor industry.

Hicke: With the Teamsters?

Clinton: With the Teamsters. With Jimmy himself. And Jimmy said: "I have to have a clause in the contract that says I'm going to be the final arbitrator on all disputes involving discharges of my members." And I said: "No way." And he said: "You can't say that." I said: "I am saying it and you might as well make up your mind that that's the way its going to be."

He said: "Mr. Clinton, you are a very disagreeable man." I said: "You can't say that. I'm good to my wife, I give regularly to the church, and I'm generally an all-around good guy." And I forget what he used to describe me, but it wasn't favorable. [Laughter]

And he said: "Well, I want you to know that in Detroit the employers do what I say, and that's what you're going to do." And I said: "You'd better go back to Detroit, because you're

not going to get what you want here. Forget it." And I never gave it to him.

Hicke: Why was he out here in the first place negotiating with you personally?

Clinton: Well, I had a reputation of being a leader among the employers, and I was representing the liquor industry in this particular negotiation. Jimmy was representing the workers, and so it finally came down to a head-to-head confrontation.

Hicke: Why did he come out here? Why didn't you just deal with the head of the local?

Clinton: I guess he wanted to be the big boss and run the whole show. That was his effort.

Hicke: So he quite often got into local union negotiations?

Clinton: I guess so. That was the only time I dealt with him, but that was enough.

Hicke: Yes. Were you worried about some underhanded tactics?

Clinton: I never trusted him, of course. But my way of dealing with the union was to deal face up and no tricks and to state my position and stick to it. And that's the way I dealt with Jimmy.

Hicke: Do you know anything about any other labor lawyers in San Francisco in the other negotiations with unions?

Clinton: Well yes, there was a San Francisco Employers' Council, and I considered them giveaway artists. They gave away more than they should. George Bahrs was the head of the San Francisco Employers' Council, and William Storie was the principal leg man. Now there were other leg men but Bill Storie was number two. We didn't see eye-to-eye with what the Employers' Council was doing, and so we--when I say we, I mean the Distributors Association--and the Employers' Council were meeting head-to-head from time to time, depending upon what the issues were. This was one of those occasions where we had the liquor industry, or part of it anyway, and Storie and Hoffa and Bahrs were my adversaries. Nice, pleasant, clean business.

Hicke: I would think, though, that other industries and companies would flock to your doorstep, because it sounds like you were very successful.

Clinton: No, because a lot of them didn't want to take a strike and I insisted they had to be prepared to take a strike. For example, Hills Brothers Coffee was a weak employer. They were members of the Distributors Association, but they were very weak, and they were the type that would happily belong to the Employers' Council, because the Employers' Council wouldn't have brought them in a strike.

Hicke: But clearly you did develop a lot of labor work.

Clinton: Clearly I did.

Hicke: And then Jim Paras came.

Clinton: He was my assistant.

Hicke: Before he came you had no assistant?

Clinton: Well, my brother George used to help out at times.

Hicke: So he did some labor work for you?

Clinton: Right.

Hicke: And that was it, until Jim Paras came?

Clinton: Principally.

Hicke: And then when Jim Paras came, how did you and he establish a relationship? In other words, did you oversee his practice?

Clinton: I oversaw it to the extent that he wouldn't make any deals without my approval.

Hicke: Did you turn over certain clients to him to handle under your supervision?

Clinton: I might turn over some smaller clients, but not the principal ones.

Hicke: But he was already a well-established labor practitioner.

Clinton: Well, he thought he was.

Hicke: [Laughter] Well I've heard that he said that he went to school twice: once to Harvard and once in training with you.

Clinton: That's right.

Hicke: So I think he must appreciate it. Eventually when you retired you turned over all of the labor work to him.

Clinton: I turned over everything.

Hicke: How did you feel about that? That must have been difficult.

Clinton: It didn't bother me.

Hicke: No?

Clinton: No, when you quit, well, you quit. And I made up my mind that I had had it. I wanted to take over the newspaper and run the newspaper, and so he took over my labor practice. I might say, in my opinion, that he didn't do as well as I did, but I'm not going to have a fight about that.

Hicke: [Laughter] Well, everybody knows you were a very, very successful labor attorney.

Clinton: I think I was.

Hicke: Everybody thinks so. And speaking of quitting, maybe we should for today.

Clinton: Well, that's a good idea.

Hicke: Okay. Let's do it.

V. THE 1950s AND 1960s

[Interview 5: November 9, 1988]

George Clinton

- Hicke: What I thought I'd ask you about this morning is if you could tell me a little bit more about the work of your brother, George Clinton.
- Clinton: My brother, George Clinton: I prevailed upon him after he graduated from the University of Oregon to come to the Times to work here as an apprentice. And he came here and he did very well; he was liked very much by little old ladies and he enjoyed it.
- Hicke: What about his work for Morrison & Foerster?
- Clinton: He did work there for little old ladies too. He was very well liked.
- Hicke: He helped you out with some of the work in the labor field, I know, and he did other things too, I believe.
- Clinton: He did work in the labor field, but he was doing quite a bit of probate work, which is dull and uninteresting to me.
- Hicke: Compared with facing off to Jimmy Hoffa, I'm sure it is.
- Clinton: That's right, and Harry Bridges.
- Hicke: About in the 1950s, think, the firm started to develop different departments, the tax department, the labor department, business, and litigation. Do you recall how that happened?
- Clinton: Yes, we got some Young Turks aboard and they decided to improve the arrangement of the various departments and to have a better organized law firm. When I came to the firm in 1929, I don't think there were more than seventeen or eighteen lawyers, including the senior partners, but at the present time, I think we're the second largest law firm in California. So there has been a tremendous expansion.

For example, Jim Paras, who is in the labor department, came to work for me from the National Labor Relations Board, and I think he was the only assistant I had at the time I retired. I didn't need much help by assistants. I did most of it myself.

Edward Hohfeld's Retirement

Hicke: Do you recall when Mr. Hohfeld retired, sometime in the late 1950s?

Clinton: His health got very poor. I remember visiting him on his death bed -- he was on his death bed, I wasn't -- and he told me that I might be interested to know that there was complete consternation about hiring me in 1929. What do we do with this fellow if he turns out to be a bum? And Mrs. Morrison, Mr. Morrison's widow, said to them: "Gentlemen, you've never done very much for Mary; [that is Mary Morrison Staples] the least you can do is hire this fellow Clinton, and if he causes you any trouble, I guarantee we will remove him from the seat." That was the first time I heard that I was subject to execution.

Hicke: It wasn't much of a problem, apparently, because you never heard any more about it.

Clinton: No, I never heard any more about it, but my first days with the law firm were not school days.

Hicke: Okay, well jumping back up to the time when Mr. Hohfeld retired, that was in the 1950s, I think, what effect did that have on the firm, on the people who were left?

Clinton: He was a very strong, very powerful man intellectually, I think he was a teacher at one time.

Hicke: So he left something of a hole in the firm?

Clinton: He left something of a hole. Hohfeld was a leader to whom I attribute the success of the firm. Herman Phleger, who died just yesterday I believe -- he was at Brobeck, Phleger and Harrison -- was a troublemaker, according to what Mr. Hohfeld told me. They used to ride up

in the caged elevators together and never speak to each other.

Rapid Expansion of the Firm

- Hicke: Then in the early 1960s, there was a little pressure to get the firm to expand, and I think it was Mr. Austin and Mr. [Richard] Archer and Mr. Raven who were interested in seeing the firm grow.
- Clinton: Mr. Austin, particularly and Mr. Raven were interested in seeing the firm grow. Mr. Raven was ambitious in the American Bar Association, finally became its president, and was a very good lawyer in the trial field.
- Hicke: How did you feel about this idea of the firm growing?
- Clinton: I just went along for the ride. I didn't have any strong feelings one way or the other.
- Hicke: In connection with the growth of the firm, I believe that in the mid-1960s, along in there, the firm started hiring women. Do you have any recollections of that?
- Clinton: They were very good lawyers and our hiring them was successful and quite profitable.
- Hicke: Did you know any of the women attorneys?
- Clinton: Not particularly well. No. I know they were good and I was surprised that they were so good.
- Hicke: Sometime along in there, maybe earlier, the Crocker business was lost. Were you involved in that?
- Clinton: Well, Crocker was bought out by Wells Fargo, as I recall.
- Hicke: This was much earlier. I'm speaking of the 1950s or somewhere around there. For some reason, the Crocker business was lost.
- Clinton: I don't recall any year when we didn't have the Crocker business.

Hicke: It came back after that. Were you involved with Food Machinery at all?

Clinton: I did work for Food Machinery but they were not my principal client.

Hicke: Eventually that client left the firm. Do you recall that?

Clinton: Yes. It was the John Bean Company originally. Then they changed the name to Food Machinery. Paul Davis, [Sr.], as I recall, was the president. And they grew very rapidly and quite successfully.

Hicke: I've read that many of the partners sat on boards of directors of corporations. Did this present any problems? Was there any particular policy about this?

Clinton: I don't recall that it presented any particular problem. Their sitting on the boards of directors was more or less ceremonial, if you know what I mean by that.

Hicke: Were you on any boards of directors besides the Hotel Leamington and, of course, the Times?

Clinton: I may have been on charity boards. I did quite a bit of charity work.

Hicke: Kirby Wilcox told me the story of the sugar workers wanting Good Friday off. Do you recall that? You asked them if they wanted it off for religious reasons.

Clinton: That's possible; I don't recall it now. Kirby would have recalled it.

Hicke: What about antinepotism? Obviously they didn't have such a policy when you were hired.

Clinton: There was no policy of antinepotism or else they wouldn't have hired me. I was Morrison's first cousin once removed, and George Clinton was my brother and that was nepotism when he was hired. But it didn't present a problem.

Hicke: Do you recall when the antinepotism policy began to develop?

Clinton: No, I don't. It was talked about but nothing

was done about it.

Hicke: Let me ask you this. What do you recall of the 1950s and 1960s? Does anything particular come to mind?

Clinton: I recall that I worked very hard, that I was running the Hotel Leamington and I was doing that mostly at night. I was also running the San Mateo Times and doing that at night. And, I had had staff meetings which took up time. Then I became president of the California Newspapers Publishers Association and president of the California Press Association. And I also became president of the Commonwealth Club of California.

Hicke: Did those jobs take quite a bit of time?

Clinton: Yes, the Commonwealth Club job took up quite a bit of time. Mr. David D. Bohannon was encouraging me to move up in the hierarchy of the Commonwealth Club. I was on the program committee and then after that I went up through the chairs, became president-elect, and then president.

Hicke: You've had quite a few careers, actually.

Clinton: Yes, I did.

Hicke: Looking back over your career as a lawyer, would you have done that again if you had the opportunity?

Clinton: I wouldn't have changed a thing. I'm completely satisfied with my background and what I did and what I didn't do.

Hicke: That's wonderful. What would you say is the best aspect of being an attorney?

Clinton: The best aspect I think was my ability to have an intimate contact with some important business leaders in town and opportunity to work in a number of business fields. Law, after all, is just an aspect of doing business. I did a lot of it.

Hicke: What was the worst thing about being a lawyer?

Clinton: The fact that I had to work so hard.

Hicke: Took so much time?

Clinton: Yes. When you spend practically every night on the ferry boat going to Oakland, or reading the memoranda that I got from a department head in the newspaper here . . . oh, I was president of the California Newspaper Publishers Association, and that took time. And I didn't take my duties lightly; I tried to do a good job.

Hicke: Did you ever sleep?

Clinton: I wonder now whether I did.

Hicke: It doesn't seem like you could have. I think that finishes us up. I thank you very much for taking time for this project.

Clinton: You've been very kind and very interesting, very inquisitive.

[End of interview]

TAPE GUIDE--J. Hart Clinton

Interview 1: August 3, 1988	
tape 1, side a	1
tape 1, side b	11
Interview 2: August 25, 1988	
tape 2, side a	22
tape 2, side b	29
Interview 3: September 1, 1988	
tape 3, side a	32
tape 3, side b	42
Interview 4: September 14, 1988	
tape 4, side a	47
tape 4, side b	57
Interview 5: November 9, 1988	
tape 5, side a	64
tape 5, side b	not recorded

INDEX--J. Hart Clinton

- American Crystal Sugar Co., 54-55
Amphlett, Helen, 3
Archer, Richard, 64
associates, 44
Austin, John, 19, 64
- Bahrs, George, 46, 59
Blaisdell, James, 6-7, 25-28, 53
Bohemian Club, 49, 52, 53
Bridges, Harry, 6-7, 25-28, 47, 52-56, 58
Brobeck, William, 9-10, 48
Brown, Harold, 43
Burlingame Star, 31
- C.E. Stevens Company, 15, 30, 32
Chloupek, Mrs. (secretary), 37
Clark, Herbert, 10-11, 23, 25, 30, 37, 39-40, 44, 47-53
Clinton, J. Hart
 activities, 68
 as labor lawyer, 6-7, passim.
 as managing partner, 42-43
 background, 1, 2
 becomes partner, 42
 education, 3-6
 newspaper work, 68
Clinton, George, 1, 45, 62, 64
Clinton, John, 1, 2
Clinton, Michael, 2
Cobb, Forrest, 17-19, 23, 40
Cranson, Lauren, 34
Crocker Bank, 19, 23
Crocker family, 10, 11-12, 33
- Danenbridge, Henry W., 24
de Fremery, Leon, 15-16, 18, 23, 37
de Wadi, Charlie, 57
Depression, 30-31
Dickenson, Kyle, 57
Distributors Association in California, 7, 26, 28-29, 33, 59-60
Dolwig, Richard, 35, 36
Dunne, Peter, 9-10
- Elmore, Garrett, 23, 45
- Fitzgerald, Wendell, 24
Foerster, Constantine, 14, 51
Foerster, Roland, 10-11, 13-14, 18, 22, 25, 32-33, 37, 40, 48, 51, 55
Fogarty, Miss (secretary), 37
Folger, Peter, 28
Food Machinery Company (FMC Corp.), 33, 67

Foster, Mrs. (secretary), 37
 Foster and Kleiser Company, 14-15, 30, 31, 33

 Garibaldi, Herb, 43-44
 Goldblatt, Louis, 26-27, 57, 59
 Griffin, Margaret Clinton, 2

 Harrison, Maurice, 49
 Hart, Katherine Veronica, 1
 Hart, Michael, 1
 Harvard Law School, 4-6
 Hill, Alger, 4-5
 Hills Brothers Coffee, 28-29, 60
 Hoffa, Jimmy, 58-59, 62
 Hohfeld, Edward, 8-11, 13, 14, 18, 23, 37, 40, 48, 65
 Hohfeld, Wesley, 8, 53
 Holloway, William L., 22, 42
 Holly Sugar Corp., 54-55
 Honolulu Oil Corp., 32, 34
 Hoover, Herbert, 47-48
 Hotel Leamington problem, 23-24, 43
 Hutchens, Frances, 23

 inter-firm relationships, 16-17

 J.G. Johnson Inc., 32
 Jacobs, Justin, 24
 James Alan and Sons, 32
 Judy, Howard, 18

 Kagel, Sam, 47
 Kinzie, Robert, 43
 Kreis, C. Coolidge "Bud", 44

 legislation, 34-36
 Linden, Richard, 57
 Lorey Shelling, 32
 Louis & McDermott, 32
 Lundberg, Harry, 54

 Matson Navigation Co., 32
 Messenger, Mary Clinton, 2
 Moffitt Co., 32
 Moran, Moriah, 1
 Morris, Emory, 24-25, 40, 45
 Morrison, Alexander F. H., 3, 4, 8, 11-12, 34, 48
 Morrison, May (Mrs. Alexander), 10, 12, 14, 52-53
 Morrison & Foerster
 accounting department, 38;
 dissolution, 9-11;
 early clients, 14-15, 20-21, 31-34
 early days 6-11;
 filing department, 38
 firm luncheons, 50-51;
 growth of departments, 64

growth of firm, 66
 in 1906 fire, 13;
 labor department, 44, 55-56, 65;
 nepotism in, 67-68
 office machinery, 39;
 partisan politics in, 47-49;
 Mullen, Ellen, 1

National Labor Relations Board, 44
 Newcomb, J. A., 24

Pabco, 28
Palo Alto Times, 31
 Paras, James, 44, 62, 65
 Patton, Eugene, 26-27
 Peck, Girvan, 19
Peninsular Times Tribune, 31
 Peterson, Cedric W., 23-24
 Phleger, Herman, 9-10, 49, 65-66
 Pitcher, E.C., 24

Raven, Robert, 19, 64
 Reagan, Ronald, 36
 recruiting, 40-41
Redwood City Tribune, 31
 Reserve Oil and Gas Co., 34
 Riley, Phil, 24
 Roth, Alman, 47

San Francisco Employers Council, 61
San Mateo Times, 31, 68
 San Francisco waterfront strike, 54-55
 Santa Cruz Portland Cement Co., 43
 Shuman, John Franklin, 10-11, 19, 22, 25, 34, 37, 40, 45,
 48
 South San Francisco Packing and Provision Co., 32
 Special Site Sign Company, 15, 30, 32
 Spreckels, John D., 10
 Spreckels Sugar Company, 14, 32, 33, 50, 54-55
 Staples, Mary Morrison, 4, 8, 53
 Steele, Dwight, 6-7, 26
 Storie, William, 47, 61
 strikes, 58-61

Thayer Academy, 2, 5
 Troy, Noel A., 25, 40, 45

United Cement Workers Union, 43

War Labor Board, 45
 Western Sugar Refinery, 32
 Wills, Miss (secretary), 37
 World War II, 44-46

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